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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re.: Serial No.: 10/799,245 Confirmation No.: 8195
Applicant: Barry Mark JACKSON, et al.
Filed: March 12, 2004
Art Unit: 3721
Examiner: Sameh H. TAWFIK
Attorney Docket No.: 600.1122DIV
Customer No.: 23280

Mail Stop: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 14, 2005

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated June 13, 2005 in this application. The statutory fee of \$500.00 is enclosed.

Attached hereto is Appendix A, an appendix of claims involved in the appeal as required by 37 C.F.R. §1.192; Appendix B, an evidence appendix according to 37 C.F.R. §41.37(c)(ix); and Appendix C, a related proceedings appendix according to 37 C.F.R. §41.37(c)(x).

1. REAL PARTY IN INTEREST

The real party in interest is Goss International Americas, Inc., having a place of business in Dover, New Hampshire.

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2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 10 to 13 are pending. Claims 10 to 13 have been finally rejected as per the Final Office Action dated January 19, 2005.

The rejection to claims 10 to 13 thus is appealed. A copy of appealed claims 10 to 13 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

No amendment was filed after the final rejection. A notice of appeal was filed on June 13, 2005. The notice of appeal was received by the U.S. PTO on June 15, 2005.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention discloses a method for cutting and folding printed products comprising the steps of driving with a first motor (see, e.g. 170 in Fig. 2, lines 19 and 20 of page 8) a first loop for cutting a signature (see, e.g. lines 26 to 27 of page 8) and transferring the signature to a first gripper (see, e.g. 32 in Fig. 2, lines 5 to 7 of page 8), driving with a second motor (see, e.g. 180 in Fig. 2, lines 19 and 20 of page 8) a second loop (see, e.g. lines 3 to 9 of page 9) for tucking the signature into a first jaw (see, e.g. 38 in Fig. 2, lines 1 to 4 of page 9) and transferring the signature to a second gripper (see, e.g. 39 in Fig. 2, lines 5 to 6 of page 9), and driving with a third motor (see, e.g. 190 in Fig. 2, lines 3 to 5 of page 10) a third loop (see, e.g. lines 14 and 15 of page 9) for tucking the signature into a second jaw (see, e.g. 47 in Fig. 2, see, e.g. lines 11 to 12 of page 10).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 10 and 11 should be rejected under 35 U.S.C. §102(b) as being anticipated by Stab (US 6,019,714).

Whether claims 12 and 13 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Stab (US 6,019,714) in view of Kepert et al. (US 5,520,378).

7. ARGUMENTS

Rejections under 35 U.S.C. §102(b): Claims 10 and 11

Claims 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Stab (US 6,019,714).

Stab splits a **stream of signatures** into two product paths (See col. 2, lines 15 to 37 for example) A and B (See Fig. 1). As shown in Fig. 2, a single signature passes **either** to path A or path B. The signature itself is not split in two, rather it is the stream of signatures which is split in two.

As stated for example in the Abstract, “The signatures divider **alternatingly** direct the signatures into two product flow paths.” This alternating split, in which one entire signature passes to the left of the signature divider and the next entire signature passes to the right, is shown very clearly in Fig. 2 for example, where signatures 42 and 44 go to path B and signature 43 goes to path A. This splitting of the stream of signatures into two paths is also very clearly described at column 3, line 42 et seq.: “**Only every other signature 43, 41 or 44, 42, respectively reaches a cross-folding device 26 or 27.**”

Thus in Stab any single signature which is tucked into a first jaw for example with device 26 is not tucked into a second jaw in any device 27, as the signature must already have been tucked into a first jaw according to claim 10. Stab therefore does not drive “with a third motor a third loop for tucking the signature into a second jaw” as claimed.

The Advisory Action statement is clearly mistaken: first the reference numeral 3 is not a signature but rather a product train or web, which is not a signature. A fair reading of the Stab reference shows that Stab does not disclose:

“driving with a first motor a first loop for cutting a signature and transferring

the signature to a first gripper;

driving with a second motor a second loop for tucking the signature into a first jaw and transferring the signature to a second gripper; and

driving with a third motor a third loop for tucking the signature into a second jaw.”

Withdrawal of the rejections under 35 U.S.C. §102(b) is respectfully requested.

Rejections under 35 U.S.C. §103(a): Claims 12 and 13

Claims 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stab (US 6,019,714) in view of Kepert et al. (US 5,520,378).

In view of the comments with respect to claim 10, withdrawal of this rejection is also respectfully requested, as Kepert also does not show or disclose “driving with a third motor a third loop for tucking the signature into a second jaw” as claimed with the other claim elements. In addition, it is respectfully submitted that there is no proper motivation to provide the reduction gear of Kepert in the Stab device – there is no need or desire expressed in Stab to reduce mass forces for its device.

Withdrawal of the rejections to claims 12 and 13 under 35 U.S.C. § 103(a) for this reason as well is respectfully requested.

Respectfully submitted,

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APPENDIX A

APPEALED CLAIMS 10 to 13 OF U.S. APPLICATION SERIAL NO. 10/799,245

Claim 10 (previously presented): A method for cutting and folding printed products comprising the steps of:

- driving with a first motor a first loop for cutting a signature and transferring the signature to a first gripper;
- driving with a second motor a second loop for tucking the signature into a first jaw and transferring the signature to a second gripper; and
- driving with a third motor a third loop for tucking the signature into a second jaw.

Claim 11 (previously presented): The method as recited in claim 10 further including altering a phase between at least the first and second loops, so as to set a lap or perform mode change.

Claim 12 (original): The method as recited in claim 10 further including using a phasing center to alter a phase between a tucker in the second loop and the first jaw so as to perform a group jaw adjust.

Claim 13 (original): The method as recited in claim 10 further including using a phasing center to alter a phase between a tucker and a second jaw in the third loop so as to perform a group jaw adjust.

APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in “2. RELATED APPEALS AND INTERFERENCES” of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.